

DEFICIENCY PROGRESS REPORT – UPDATE 1

August 5, 2008

CUPA: SANTA CRUZ COUNTY ENVIRONMENTAL HEALTH SERVICES

Evaluation Date: April 16 and 17, 2008

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Update 1 Submittal Date: July 16, 2008

Status: Deficiencies 4, 5, 6, 7, 8, 9, 11, 12, and 13 remain outstanding.

Next Progress Report Due (2nd Update): October 14, 2008

1. **Deficiency:** The CUPA is not accurately reporting all items requested on their Annual Inspection Summary Report 3.

Corrective Action: The CUPA corrected this deficiency at the time of the evaluation.
Note: before submittal of any report, the CUPA needs to verify that the data reported are as accurate as possible.

2. **Deficiency:** The CUPA is not fully tracking and reporting violations information and enforcement actions taken on their Annual Enforcement Summary Report 4.

Corrective Action: The CUPA corrected this deficiency at the time of the evaluation.
Note: before submittal of any report, the CUPA needs to verify that the data reported are as accurate as possible.

3. **Deficiency:** The CUPA's Inspection and Enforcement (I&E) Program Plan does not contain all the required elements.

Corrective Action: The CUPA corrected this deficiency at the time of the evaluation.

4. **Deficiency:** The CUPA's FY 05/06 and FY 06/07 Self-Audit Reports did not contain all of the required elements.

Corrective Action: By October 14, 2008, the CUPA will submit their FY 07/08 Self-Audit Report that contains all the required elements.

CUPA Update 1: The CUPA will submit their FY 07/08 Self-Audit Report will all required elements.

Comments to Update 1: *This deficiency remains outstanding. On the next progress report, due on October 14, 2008, please submit the CUPA's FY 07/08 Self Audit Report showing all the required elements.*

- 5. Deficiency:** The CUPA has not updated its Area Plan within the last three years.

Corrective Action: Beginning July 16, 2008, the CUPA will submit the status of this deficiency. In addition, once the CUPA finalizes its Area Plan, submit a copy to OES.

CUPA Update 1: The CUPA is currently circulating the Memorandum of Understanding for signatures to each of the City Managers, Vice-Chancellor of the University, and the California State Parks Superintendent for Santa Cruz County. This agreement is the cornerstone of the Area Plan and once it is signed, the new Area Plan will take effect. The CUPA will submit a copy to OES as soon as the agreement is in-place.

Comments to Update 1: *This deficiency remains in the process of being corrected. On the next report, due on October 14, 2008, please indicate the CUPA's progress regarding the Area Plan approval. Once the Area Plan has been reviewed and accepted, please send a copy to OES for review.*

- 6. Deficiency:** The CUPA has not performed an annual California Accidental Release Prevention (CalARP) performance audit.

Corrective Action: By January 12, 2009, the CUPA will have performed an annual CalARP performance audit. Annually thereafter, the CUPA may incorporate the CalARP performance audit with the Unified Program annual Self-Audit Report.

CUPA Update 1: The CUPA will have completed the annual performance audits on the 36 facilities within our jurisdiction by the January 12, 2009 deadline.

Comments to Update 1: *This deficiency remains outstanding. On the next progress report, due on October 14, 2008, please submit a status.*

- 7. Deficiency:** The CUPA does not have a CalARP dispute resolution procedure.

Corrective Action: By July 16, 2008, the CUPA will establish a CalARP dispute resolution procedure.

CUPA Update 1: The CUPA has a dispute resolution process for all programs under the Unified Program (including CalARP facilities) that is consistent with Title 19, Section 2780.1. This process is outlined in Chapter 7.100.090, of the Santa Cruz County Code

pertaining to Hazardous Materials, Hazardous Waste, and Underground Storage Tanks.
(Copy attached)

Comments to Update 1: *The CUPA's dispute resolution does not encompass all aspects of the California Code of Regulations title 19, section 2780.1. The CUPA's county ordinance does not make note of California Code of Regulations title 19, section 2780.1 (b), stating that the owner/operator of a stationary source may appeal the decision of the administering agency (CUPA) to the Director of OES by serving the Director with written notice of appeal. On the next progress report, due on October 14, 2008, please include the CUPA's progress toward correcting this deficiency.*

- 8. Deficiency:** The CUPA is not ensuring that all businesses subject to the hazardous materials reporting requirements to annually submit their hazardous materials inventory or annual certification statement of "no change" in hazardous materials inventory.

Corrective Action: By July 16, 2008, the CUPA will submit an action plan outlining how the CUPA will maintain annual inventory certifications for its business plan files.

CUPA Update 1: Certifications forms are sent out with the invoices for permit renewal. Upon return, if the Certification is complete and signed it is added to the facility file. If the Certification is incomplete or unsigned, it is given to the District Inspector for follow up. The District Inspector is responsible for ensuring the Certification is complete. We have also begun entering the dates the (completed) Certifications are received and created a query that will allow us to provide the District Inspector a report that identifies Certifications older than one year.

Comments to Update 1: *The CUPA has made progress toward correcting this deficiency. On the next report, due on October 14, 2008, please include the CUPA's progress toward correcting this deficiency, including the number of facility files updated and the estimated timeline for the correction of this deficiency.*

- 9. Deficiency:** The CUPA is not requiring businesses, subject to the hazardous materials reporting requirements, to certify and review their business plan every three years.

Corrective Action: By July 16, 2008, the CUPA must submit an action plan outlining how the CUPA will maintain Business Plan review certifications among the business plans.

CUPA Update 1: Please see the response to Deficiency #8.

Comments to Update 1: *The CUPA has made progress toward correcting this deficiency. On the next progress report, due on October 14, 2008, please include the CUPA's progress toward correcting this deficiency, including the number of facility files updated and the estimated timeline for the correction of this deficiency.*

10. Deficiency: The CUPA did not conduct a complete hazardous waste generator inspection on March 19, 2008.

Corrective Action: The CUPA inspector corrected this deficiency before the end of the inspection.

11. Deficiency: The CUPA is unable to document in certain instances that some facilities with a notice to comply for minor violations have not returned to compliance within 30 days of notification.

Corrective Action: The CUPA will follow its I&E Program Plan. By January 12, 2009, submit an example of an RTC or a complete follow-up report.

CUPA Update 1: The CUPA is exploring several options for satisfying this requirement. We will have a process for documenting a return to compliance within 30 days for minor violations by the January 12, 2009 date.

Comments to Update 1: *This deficiency remains outstanding. On the next progress report, due on October 14, 2008, please submit a status.*

12. Deficiency: The CUPA failed to take enforcement in a manner consistent with the law.

Corrective Action: The CUPA will initiate and complete the appropriate formal enforcement in the future for all Class I violations.

The CUPA will refresh staff knowledge of the definitions of Class I, Class II and minor violations. A good tool for refresher training may include covering the Cal/EPA "Violation Classification Guidance Document for Unified Program Agencies," which is available on the Cal/EPA website under Unified Program-Publications and Forms.

By July 16, 2008, the CUPA will provide violation determination training to its inspectors.

CUPA Update 1: The "Violation Classification Guidance Document for Unified Program Agencies" was circulated for staff to read and refresh their understanding of Class I, Class II, and minor violations as recommended in the corrective action portion of the evaluation.

Comments to Update 1: *This deficiency is on its way to being corrected. On the next update, due on October 14, 2008, please provide current inspection reports indicating facilities that were cited for each of the classes of violations, if any, and documentation of actions (or follow-up) taken by the CUPA.*

13. Deficiency: The underground storage tank (UST) operating permit does not contain all of the required elements.

Corrective Action: By April 30, 2009, the CUPA will amend the permit to reflect all the required elements. The CUPA may either add the missing elements to the permit or as a condition of the permit; then attach the completed and approved monitoring plan to the permit.

CUPA Update 1: The CUPA will add the missing elements to the permit or as a condition of the permit; then attach the completed and approved monitoring plan to the permit.

Comments to Update 1: *On the next progress report, due on October 14, 2008, update SWRCB on the CUPA's progress toward correcting this deficiency, and, if available, submit a revised sample permit.*